UNITED STATES PATENT AND TRADEMARK OFFICE

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10/720,225	11/25/2003	James Stewart McCormick	ALC 3099	4351

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 November 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10 and 15-19* is/are rejected.

7)☒ Claim(s) *11-14* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Claim Rejections - 35 USC § 103

2.   Claims 1, 5-9, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Menon et al. (US Patent 6,208,627) in view of Boehmke et al. (U.S. Patent

6,788,933).

As to claim 1, Menon et al. teaches a method for recording call failure information

in a data transmission system (col. 41, lines 30-32) comprising:

generating a failure log in response to a failure event, the failure log including a

failure type (col. 41, line 60 through col. 42, line 37) and timestamp (col. 41, lines 32-37

- *where Menon discussed the wireless access communication unit sends alarm*

message using Control Traffic Transport message, hence it is inherent that the alarm

message / failure log including timestamp);

· formulating an identifier for the failure log based on said failure type (col. 41, line

60 through col. 42, line 10 - *where Menon discussed formulating a log number for a*

failure log based on the type of failure that has occurred, for example, communications

failure, processing failure, equipment failure, radio unit failure, line card failure, etc); and

creating a log record for said failure log (col. 41, lines 30-37; col. 41, line 60

through col. 42, line 11) and storing said log record in a log record storage (col. 42, lines

10-11 - *where Moen discussed logged alarm message / information used for later*

debugging, hence the log alarm message / record stored in some storage in order for

later retrieval).

Menon et al. does not explicitly teach placing call records in a queue in the order

in which it was time stamped.

Boehmke et al. teaches placing call records in a queue in the order in·which it

was time stamped (col. 31, lines 26-32).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teachings of Boehmke into the teachings of

Moen for the purpose of having a more efficient system and keeping track of reports the

occurrence of the events.

As to claim 5, Menon et al. teaches formulating an identifier comprises

processing selected fields in the failure log (col. 42, lines 3-11).

As to claims 6-9, Menon et al. teaches the selected fields include and failure

reason field, a failure point field, a calling party identification field, a called party

identification field and a proprietary failure reason field (col. 41, line 60 through col. 42,

line 37). However, Menon et al. does not explicitly teach applying crc type checksum

function over selected fields. It would have been obvious to one of ordinary skill in the

art at the time the invention was made to incorporate the above mentioned features into

the teachings of Menon for the purpose of having a more efficient and better system.

Claim 15 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Boehmke et al. teaches a log queue (col. 31, lines 26-33).

3.   Claims 2-4, 10, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menon et al. (US Patent 6,208,627) in view of Boehmke et al. (U.S. Patent 6,788,933) and further in view of Liu et al. (US Patent 6,170,067).

As to claim 2, Menon and Boehmke do not explicitly teach a log record comprises a timestamp field for storing the timestamp and a count field for storing a count indication the number of log records generated by the failure event.

Liu et al. teaches a log record comprises a timestamp field for storing the timestamp (col. 5, lines 36-43) and a count field for storing a count indication the number of log records generated by the failure event (col. 2, lines 63-65; col. 3, lines 1-42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Liu into the teachings of Menon and Boehmke for the purpose of having a more efficient system and promptly report system failures problem, and the occurrence of the events.

Claim 3 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Liu et al. teaches updating the log record and the log record storage to document the current timestamp (col. 14, lines 35-39).

As to claims 4 and 10, Liu et al. teaches incrementing the count to indicate the current number of failure logs with the identifier that have updated the log record (col. 5, line 63 through col. 6, line 5).

As to claim 16, Liu et al. teaches updating the log record in the log record storage (col. 14, lines 35-39).

Claims 17-18 are rejected for the same reasons as discussed above with respect to claim 3. However, Menon, Boehmke and Liu do not teach a filter is configurable for selecting a number of fields in the failure log. It would have been obvious to one of ordinary skill in the art at the time the invention was made that a configurable filter in any logs is well known and the advantage of using this filter is also well known. For example, filtering out certain important fields in the log for statistical purposes.

Claim 19 is rejected for the same reasons as discussed above with respect to claims 15 and 17.

Allowable Subject Matter

4.   Claims 11-14 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 11 and 14, prior arts of record fail to teach, or render obvious, alone or in combination a method for recording call failure information in a data transmission system comprising the claimed means and their components, relationships, and

functionalities as specifically recited in claims 5, 14, and independent claim 1 that claims

5 and 14 depend on.

Claims 12-13 are objected because they depend on objected claim 11.

Response to Arguments

5.   Applicant's arguments filed 11/19/07 have been fully considered but they are not

persuasive.

Applicant mainly argues that Menon does not teach "formulating an identifier for

said first failure log based on said failure type". Examiner respectfully disagrees.

Menon teaches formulating an identifier for said failure log based on the failure type

(col. 41, line 60 through col. 42, line 10) - where Menon discussed formulating an

identifier (*log number*) for a failure log based on the type of failure that has occurred, for

example, communications failure, processing failure, equipment failure, radio unit

failure, line card failure, etc.. Applicant further stated that the system of Menon stores

both a failure type field and a log number field (remarks, page 3). Examiner agrees with

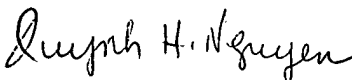Applicant because a failure type is part of the log.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QUYNH H. NGUYEN
PRIMARY ̄ ˄MINER

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